

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WIMBLEDON FUND LP –	§	
ABSOLUTE RETURN FUND	§	
SERIES, a Delaware limited	§	
partnership,	§	
	§	No. 430, 2010
Plaintiff Below-	§	
Appellant,	§	Court Below: Court of Chancery
	§	of the State of Delaware
v.	§	
	§	C.A. No. 4780
SV SPECIAL SITUATIONS FUND	§	
LP, a Delaware limited partnership,	§	
	§	
Defendant Below-	§	
Appellee.	§	

Submitted: August 17, 2011

Decided: August 23, 2011

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

ORDER

This 23rd day of August 2011, it appears to the Court that:

(1) Plaintiff-Below/Appellant, Wimbledon Fund LP – Absolute Return Fund Series (“Wimbledon”), appeals from a final judgment of the Court of Chancery, which granted summary judgment in favor of Defendant-Below/Appellee, SV Special Situations Fund LP (“SV”).¹ In a December 20, 2010 Order, this Court remanded this matter “so that the record [could] be supplemented

¹ *Wimbledon Fund LP v. SV Special Situations Fund LP*, 2010 WL 2368637 (Del. Ch. June 14, 2010).

with [] evidence proffered to this Court by Wimbledon.” Pursuant to this Court’s inherent power to deal with the situation before it in the manner best calculated to promote the interests of justice,² we directed the Court of Chancery to, “in the first instance, [] address the legal and factual issues in the record as supplemented,” and we retained jurisdiction.

(2) On remand, the Court of Chancery concluded that the “evidence does raise genuine issues of material fact such that both motions for summary judgment should be denied and the case should proceed to discovery and later, to trial.”³ We agree. Accordingly, we reverse the Court of Chancery’s grant of summary judgment in favor of SV and remand this matter for further proceedings consistent with this Order.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Court of Chancery is **REVERSED** and this matter is **REMANDED** for further proceedings consistent with this Order.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

² See *Moore v. Moore*, 144 A.2d 765, 768 (Del. 1958).

³ *Wimbledon Fund LP v. SV Special Situations Fund LP*, 2011 WL 378827, at *1 (Del. Ch. Feb. 4, 2011). On remand, the Court of Chancery also opined that Wimbledon should have to pay certain attorneys fees and expenses. *Id.* at *10. This Court’s December 20, 2010 Order did not address attorneys fees and SV’s counsel conceded at oral argument that the issue “is not ripe yet.”